

Battle Creek City Planning Commission Staff report for the April 27, 2011 meeting

To:

Planning Commissioners

From:

Christine M. Hilton, AICP, Planning Supervisor Planning and Community Development Department

Date:

April 19, 2011

Subject:

Petition S-01-11, a Special Use Permit request to allow for an Assisted Living

Community on S. Helmer Road, Parcel #0071-00-100-00

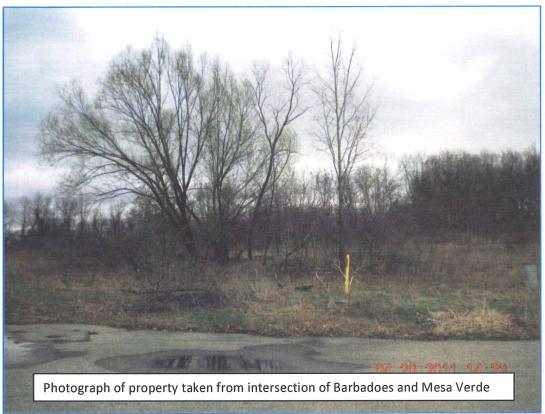
Summary

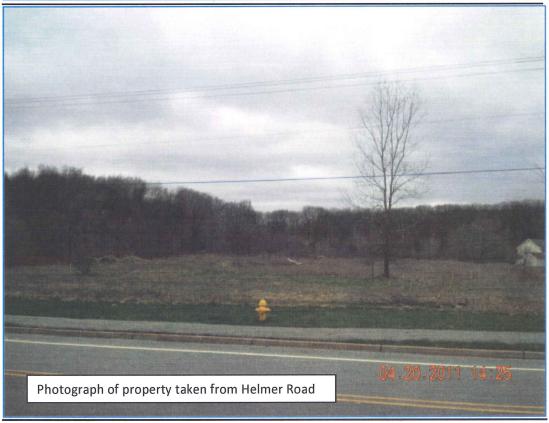
A petition from Mr. Scott Ganton, representing Heritage of Battle Creek LP, requesting a Special Use Permit to allow for an Assisted Living Community in a "R-1B Single Family Residential District" as permitted under the Planning and Zoning Code, Chapter 1290, Sec. 1290.01(b)(6), for property located on S. Helmer Road, Parcel #0071-00-100-0.

Background/Property Information

The subject site is located on the west side of Helmer Road, directly south of Jacaranda Estates Subdivision. The parcel is approximately 15 acres in size with 570 feet of frontage on Helmer Road. The property is vacant any improvements with the exception of a storm water retention pond at the northeast corner.



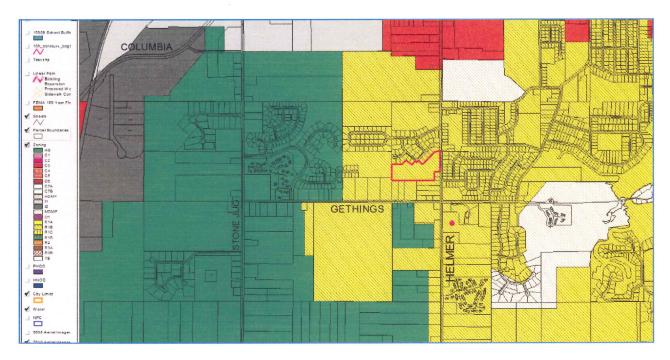




Surrounding Land Uses / Zoning

The zoning of the property and adjacent properties is R-1B Single Family Residential. Permitted uses in this district include single family residential, public schools, golf courses, and accessory uses and structures. The minimum lot size in this district is 7,500 square feet.

As seen from the following zoning/parcel map, this area of the City is developed primarily as large lot single family residential, though there are a handful of subdivisions in the vicinity - the earliest being constructed in the 1960's, the most recent was constructed as early as five years ago.



Proposed Scope of Project

The petitioner, Mr. Scott Ganton, is seeking a special use permit to allow an assisted living facility at this location. Assisted living facilities are permitted by special use permit, pursuant to Chapter 1290.01(b)(6) of the Zoning Ordinance.

Assisted living facilities are licensed by the Michigan Department of Human Services (DHS) as a "home for the aged" (HFA), which in general provides room, board, supervision and care to non-transient individuals over the age of sixty that are not in need of continuous medical care.

The proposed facility will be a one-story, 42,700 s.f. building that provides fifty units, including a combination of studio, one and two bedroom layouts. Other site improvements include a 2,000 s.f maintenance building and a 47-space parking lot.

Though not subject to Planning Commission review, for informational purposes the petitioner has included with their application the site development plans that show the layout of the facility as well as façade elevations and landscaping. A large print of each page of the site plan will be available at the meeting.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Shoppers Guide on April 7, 2011 and notices of the public hearing were also sent by regular mail on April 6, 2011 to sixty owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has received two letters regarding this petition, one in opposition and one in support. Please note that the letter in support asks for the ability for continued access through the property which the Planning Commission does not have the authority to approve.

Neighborhood Outreach

The petitioner will be attending the Neighborhood Planning Council #10 meeting on Monday, April 25, 2011. Results of their discussion will be provided to the Planning Commission upon receipt.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.

(h) The use will be consistent with the intent and purpose of this Zoning Code.

Analysis and Recommendation

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04, as outlined herein:

- (a) The use of this structure as an assisted living facility will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. A vision of the plan (pg. 3-3) holds that accommodating a diversity of people and lifestyles is critical to the long term vibrancy and strength of the city, and that a variety of housing choices and living environments would strengthen the city over time. Additionally, the plan calls for well coordinated, high quality mental and physical health services be available to everyone, and any prevention initiatives be successful (pg. 3-4). Furthermore, the project will create new jobs through retention and expansion of existing employers (4-1) and will encourage residential development that provides a mix of housing types and a variety of density to optimize choice (4-13), both of which are objectives of the master plan.
- (b) The proposed use will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood as the neighborhood includes a variety of residential housing options and institutional uses including religious assembly uses and schools.
- (c) The use of this property for fifty dwelling units (d.u.) equates to a density of 1 d.u per 13,000 s.f., which is almost two times that required in this zoning district and is similar to density of surrounding residential properties in the nearby subdivisions. Additionally, as the proposed used is residential in nature, the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service is provided to a growing demographic of the population, in close proximity to commercial and institutional properties.
- (e) Though traffic is not anticipated to significantly increase as a result of the proposed use, Helmer Road is classified as a principal arterial and could accommodate additional traffic. Additionally, there is adequate public infrastructure and utilities in place and no additional needs are required for this use.
- (f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be the result of typical activities found in a residential neighborhood.
- (h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified

ordinances, including noise, noxious vegetation, and property maintenance. Additionally, it will be required to be in compliance with all State licensing/certificate regulations concerning the proposed use.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-01-11 that would allow an assisted living facility on Parcel #0071-00-100-0 with the following conditions:

Project Specific Conditions:

- 1. All necessary approvals, including site plan review, and any required permits shall be obtained, and maintained if applicable, from the appropriate agencies, including but not limited to the State of Michigan, Department of Public Works, and Inspections Department prior to Certificate of Occupancy.
- 2. A combination of berming and/or landscaping will be required at the north end of the north parking lot to buffer parking lot from adjacent residential property.

Administrative Conditions:

- 3. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.
- 4. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report.

1. Special Use Permit petition Form and Supplemental Information (Petition #S-01-11)

PETITION FOR A SPECIAL USE PERMIT



City of Battle Creek, Michigan

Department of Planning and Community Development

Petition No. <u>S-0/-//</u>

Resolution No.

Please read instruction on reverse before completing this form. If additional space is required, attach a separate sheet.

The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners: I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 1290, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below. Legal Description of Property:	
Present Use of Property: RI-B SINGLE	FAMILY Residential - UNCANT
TIO DOMANNOS EXISTINOS	3
Proposed Use of Property: ASSISTE & LINK COMMUNEY-	Special use permit (sup)
Reasons why petitioner feels that a Special Use Perm	it should be granted:
THE proposed new project with the present Apthodically, it will Existing zoning is mot cor.	les a beautiful hulding . THE Rect For this type of Service Housing
Present Zoning Classification: R/-B	District.
Property Owner(s) or Agent (C	Check one)
Name Scott GANTON	Name
Address 14420 S. Helmer B.C. 49015	Address
Telephone Fax 5 (7) 937-1405 969-287/	Telephone Fax
Signature MA	Signature
FOR OFFICE	USE ONLY
Date Petition Received: 4-1-11	Planning Commission Recommendation:
Petition Fee Received: 4/200.00	Approve Deny Date
Received By: Glenn Perian	City Commission Action: Approve Deny Date



Prudential Preferred, REALTORS® 820 Capital Avenue SW 8attle Creek, MI 49015 8us 269 565-3311 Fax 269 565-3322 www.pprmi.com

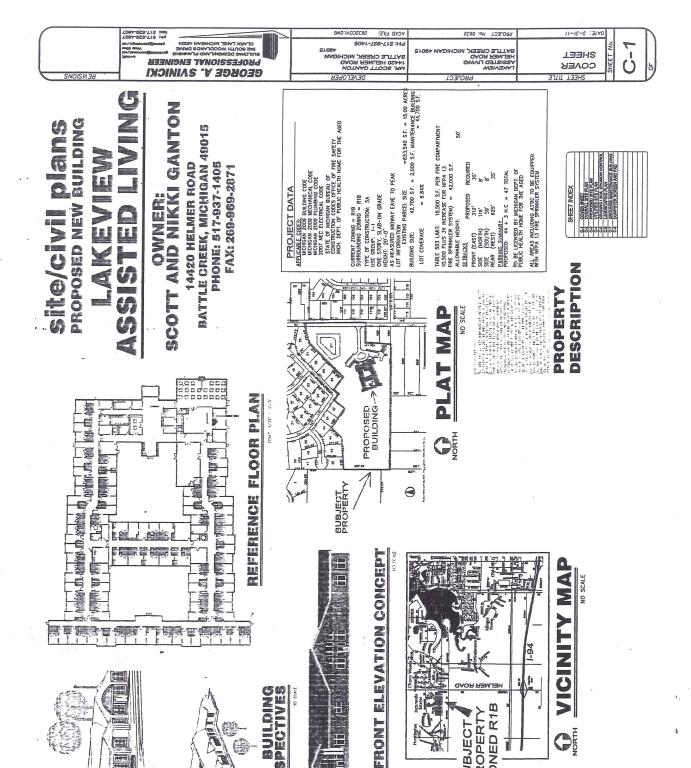
City of Battle Creek

3/24/2011

To whom it may concern:

Scott Ganton has been authorized to act as our representative for parcel # 0071-00-100-0 located on South Helmer Road in Battle Creek. For the purpose of meeting with Westlake -Prairieview NPC and also the Battle Creek Planning Commission and City Commission.

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BUILDING PERSPECTIVES

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ABBREVIATIONS LIFGEND:

a Property Square

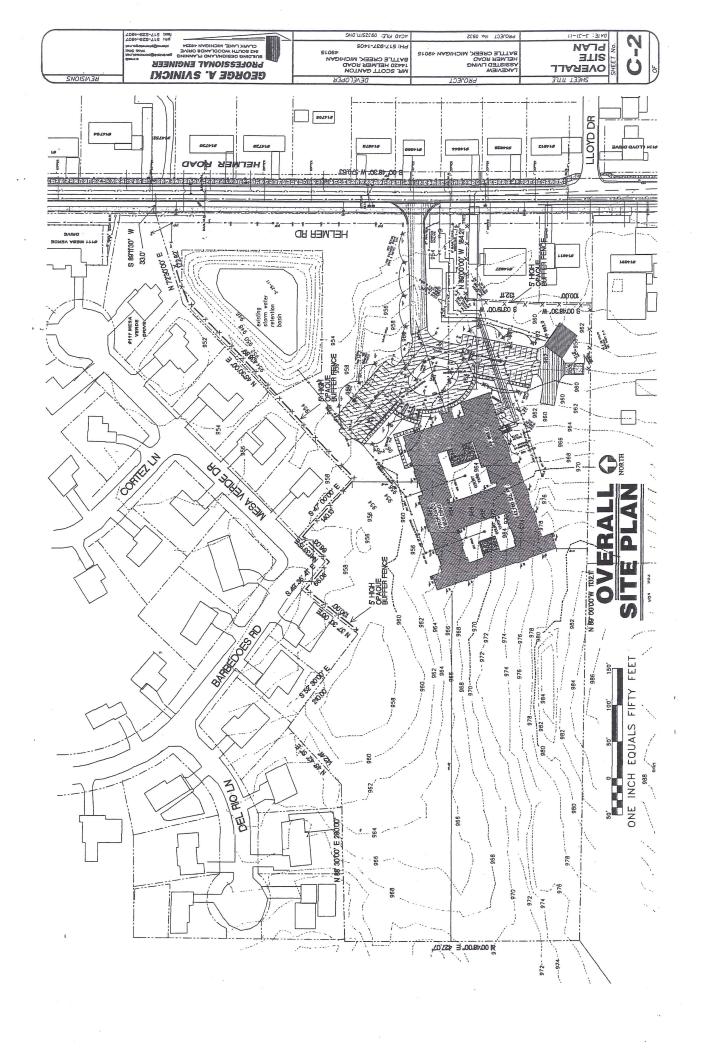
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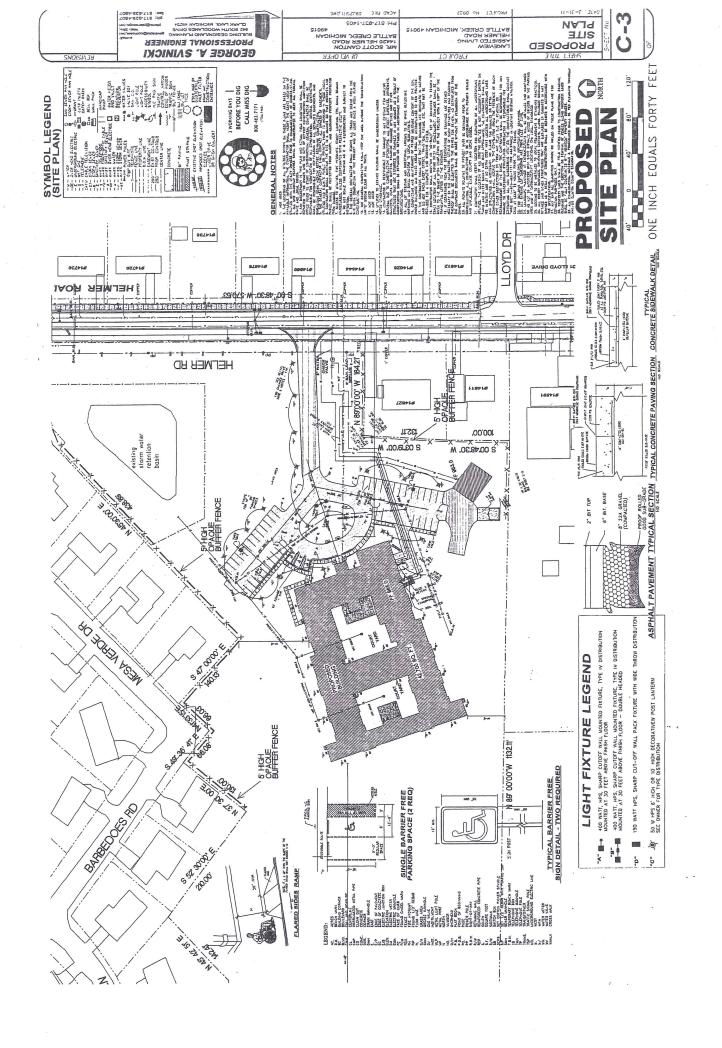
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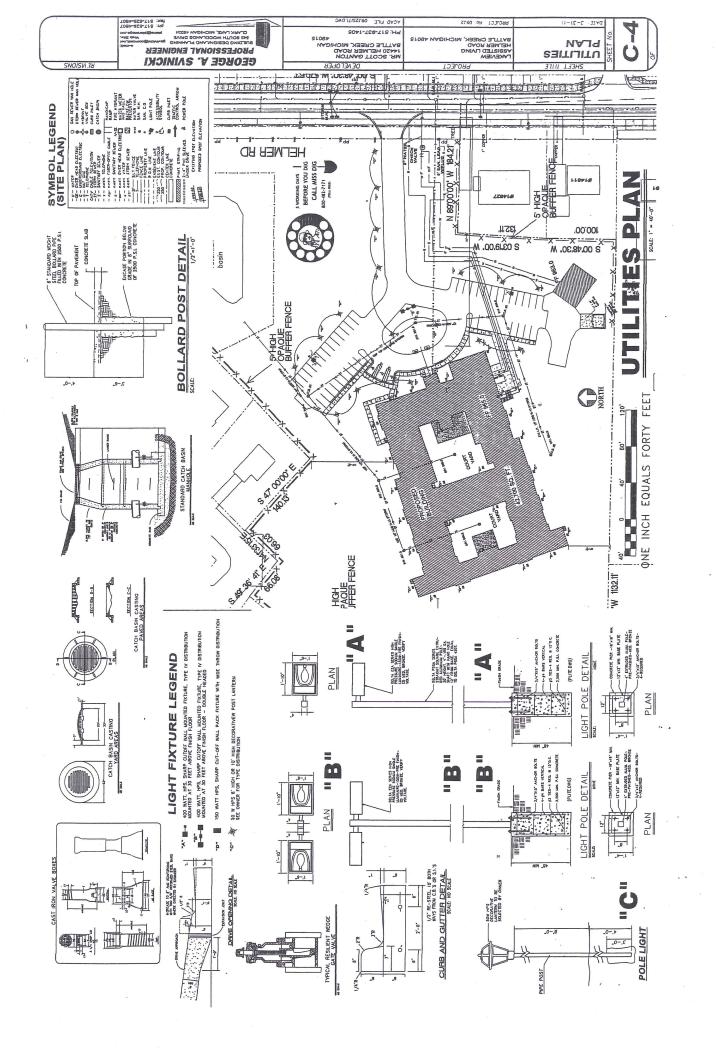
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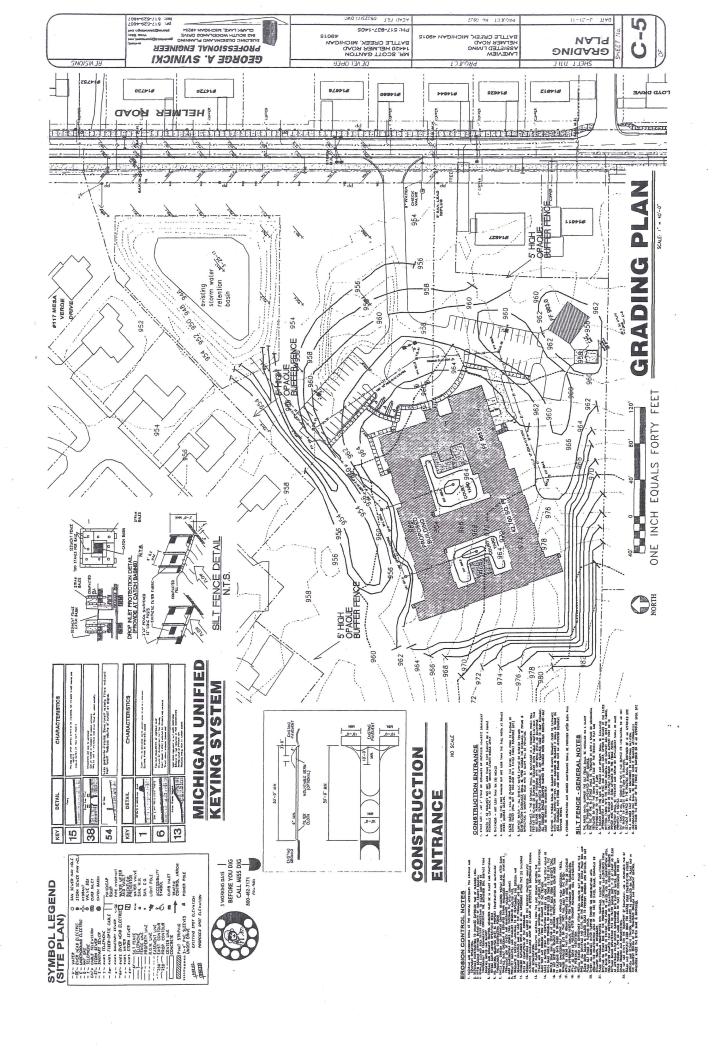
ZONED R1B SUBJECT PROPERTY

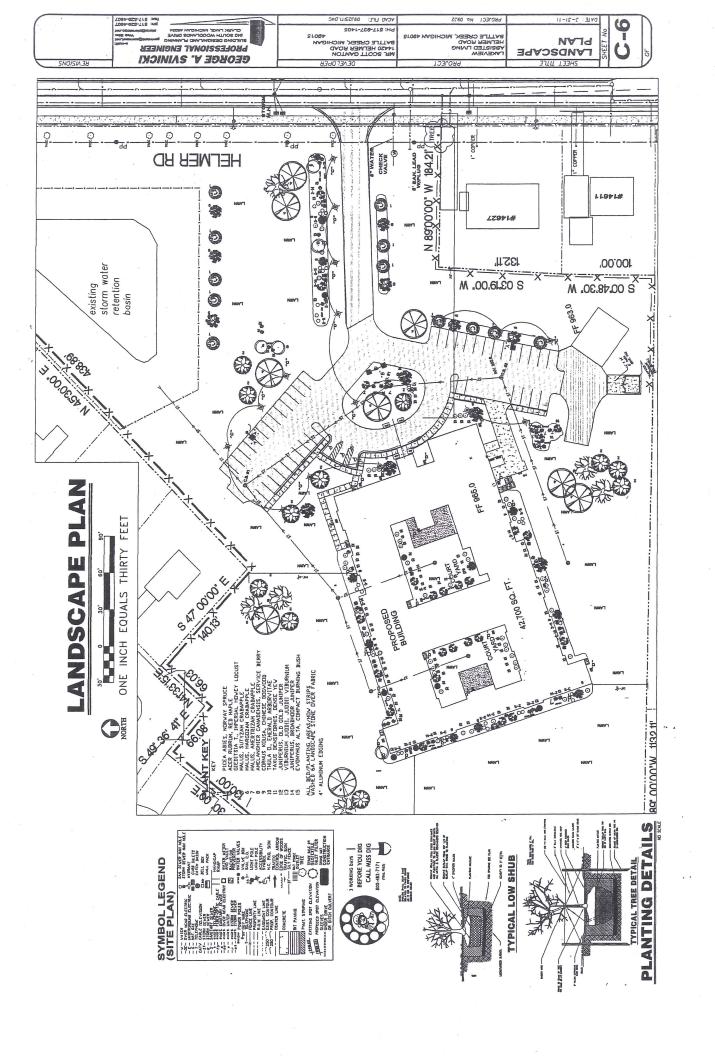
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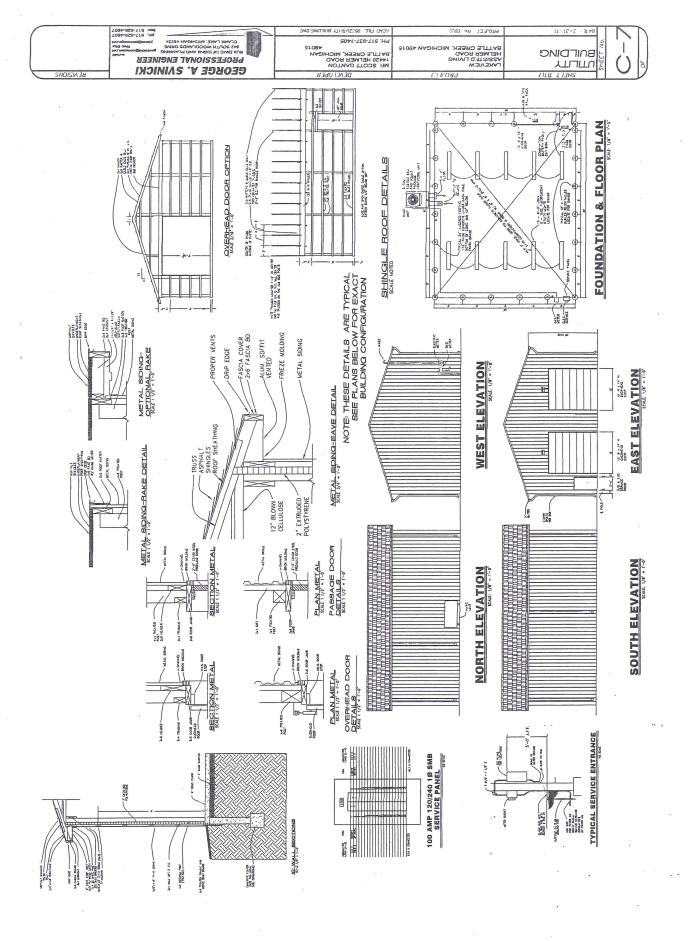












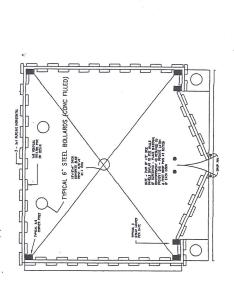
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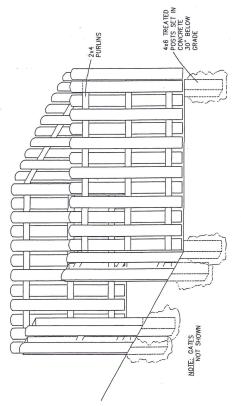
AMT.ECREEK, MICHIGAN 49015

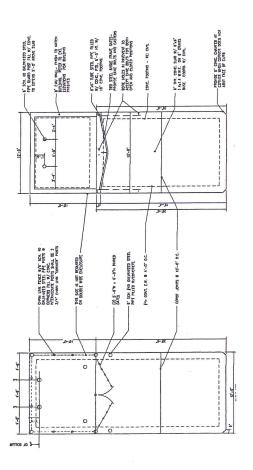
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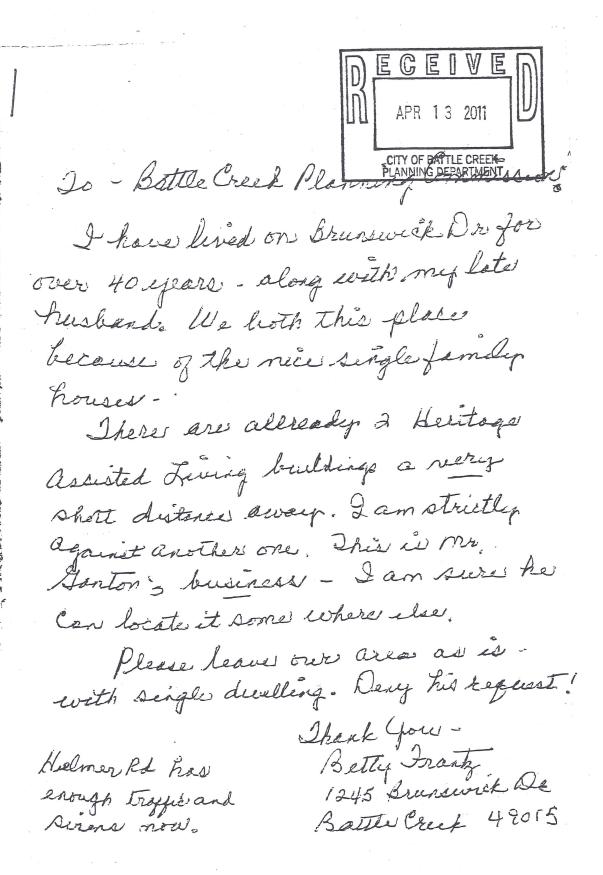
AMT.SCOTT GATURO

AMT.SCOTT









4/12/11

Christine Hilton AICP Planning Supervisor Planning Department

In regards to Special Use Permit 5-01-11

I own property adjacent to the property mentioned Parcel #0071-00-100-0

I'm south of the property line, I welk through this pavcel to get to the woods west, and continue on my path to my path west of the woods, and return the same way. (EVERYDAY) 1/2 hr. round trip. As long as I don't lose my previlege to continue welking this land, I have no problem with this Special Use Permit #5-01-11 being approved.

P.S. I walk for Synus S. Rupps

my health. LYNN S. RUPP

I'm 71 yrs, old 14591 Helmer RdS

BATTLE CREEK MI

49015